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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD BATSON,

Defendant and Appellant.

A145309

(Humboldt County
Super. Ct. No. CR071451)

Richard Batson appeals after the court declined to reduce his conviction for burglary to a misdemeanor. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

BACKGROUND

In 2007, Batson was charged with first-degree burglary. The charge was reduced to second-degree burglary, and Batson entered a guilty plea. Information in the probation department's resentencing report indicated Batson committed the burglary when he entered the victims' home while they were present.

DISCUSSION

Based upon our review of the record, we have no reason to question the court's denial of Batson's petition to reclassify his burglary conviction as a misdemeanor. We grant Batson's motion, filed November 16, 2015, to augment the record with the documents pertaining to this conviction. Penal Code section 1170.18, subdivision (a)

allows certain commercial burglaries as described in Penal Code section 459.5 to be reclassified as misdemeanors. Because Batson's offense involved burglary of a residence, it did not qualify for reclassification. There was no error.

Batson's counsel has represented that she advised Batson of her intention to file a *Wende* brief in this case and of Batson's right to submit supplemental written argument on his own behalf. He has not done so. Batson has also been advised of his right to request that counsel be relieved.

Our full review of the record reveals no issue that requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, J.

We concur:

McGuinness, P.J.

Pollak, J.

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